

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FRANCIS WOUKOP YOMI,

Plaintiff(s),

v.

CARLOS DEL TORO, et al.,

Defendant(s).

CASE NO. C23-5199-KKE

ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION

The Court previously entered an order construing Plaintiff's untimely motion for summary judgment (Dkt. No. 79) together with his short opposition brief (Dkt. No. 80) as his opposition to Defendant's motion for summary judgment. Dkt. No. 82. After the Court entered that order, Plaintiff filed a supplemental opposition and filed a motion for reconsideration requesting that this supplemental opposition be construed as his opposition brief, and that his motion for summary judgment should not have been stricken because it was timely filed. *See* Dkt. No. 85.¹

Under the local rules for the Western District of Washington, "[m]otions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which

¹ Although Plaintiff requested oral argument on the motion for reconsideration, the Court finds the motion suitable for resolution without argument.

1 could not have been brought to its attention earlier with reasonable diligence.” Local Rules W.D.
2 Wash. LCR 7(h)(1).

3 Plaintiff has not shown error in any part of the Court’s prior ruling. Although Plaintiff
4 posits that his motion to compel (Dkt. No. 67) automatically extended his deadline to file a
5 dispositive motion (Dkt. No. 85 at 3), he cites no authority that supports this argument and the
6 Court’s orders provide no such thing (Dkt. Nos. 45, 64). Because Plaintiff filed his dispositive
7 motion after the September 9, 2024 deadline, it is untimely and was properly stricken as such. The
8 Court denies Plaintiff’s request to file a reply brief in support of a stricken motion.

9 With respect to which filing(s) constitute Plaintiff’s opposition to Defendant’s summary
10 judgment motion: Plaintiff is not entitled to file multiple briefs in opposition to a dispositive
11 motion. The Court previously construed Plaintiff’s motion for summary judgment (Dkt. No. 79)
12 as an opposition brief, and Plaintiff now requests that the Court order that his untimely
13 supplemental brief (Dkt. No. 83) constitutes his opposition. Plaintiff has not shown good cause to
14 modify the briefing schedule to accommodate an untimely opposition, nor has he shown manifest
15 error in the Court’s previous order construing Plaintiff’s untimely motion as a timely opposition
16 brief.

17 Accordingly, the Court DENIES Plaintiff’s motion for reconsideration (Dkt. No. 85).

18 Dated this 4th day of November, 2024.

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21 Kymberly K. Evanson
22 United States District Judge
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